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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,166

04/10/2006

Jacky Rhein

7278

30678

7590

10/27/2008

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EXAMINER

ROCCA, JOSEPH M

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

10/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,166	<b>Applicant(s)</b> RHEIN, JACKY	
	<b>Examiner</b> JOSEPH ROCCA	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boschi (U.S. 3,051,469).

Boschi discloses a vehicle suspension comprising a coil spring (Element 19) mounted between two supports of variable spacing (Fig. 1), wherein at least one end of said spring bears against a corresponding one of said supports via an elastically deformable bushing of variable stiffness and presenting significant variation in stiffness (Fig. 1-5, Element 21), said bushing being secured to the corresponding one of said supports (Fig. 1).

With respect to claim 10, Boschi also discloses that said spring (Element 19) is of constant stiffness.

Regarding claim 11, Boschi also discloses that said bushing (Element 19) comprises a thick annular base of elastomer material that is elastically deformable, in this case rubber.

With respect to claim 12, Boschi further discloses that said base includes an annular recess (Figs. 1-4).

Regarding claim 13, Boschi also discloses that said base includes a plurality of recesses that are regularly spaced apart circumferentially (Figs. 2-4).

With respect to claims 14 and 16-17, Boschi further discloses that said bushing includes an annular groove shaped and dimensioned to receive a corresponding end turn of said spring (Figs. 2-4).

Regarding claims 15 and 18-20, Boschi also discloses that said bushing is made as a single piece of said elastomer material (Figs. 1-4).

With respect to claims 21-24, Boschi further discloses that said bushing is interposed between each of said supports and a corresponding end turn of said spring.

### ***Response to Arguments***

3. Applicant's arguments filed 9/16/08 have been fully considered but they are not persuasive.

The applicant with respect to the independent claim 9, argues that Boschi (U.S. 3,051,469) does not disclose "a vehicle suspension comprising an elastically deformable bushing of variable stiffness." The examiner respectfully disagrees with this allegation on the basis that element 21 is a rubber washer. Rubber as should be well known is an elastically deformable material, for instance The American Heritage® Dictionary of the English Language: Fourth Edition defines rubber as "any of numerous synthetic elastic materials of varying chemical composition with properties similar to those of natural rubber." This definition is available at <http://www.bartleby.com/61/23/R0332300.html> (last visited on 10/15/2008). Moreover, regarding the use of said bushing having a variable stiffness, this limitation is met by

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element 21 of Boschi for at least two reasons. The first reason this limitation is met is the fact rubber is by its very nature elastic and an elastic material has a variable stiffness in as much as the stiffness changes proportionally to the extent that the rubber is compressed (in other words the more compressed the rubber becomes the stiffer it becomes, i.e. it requires more force to further compress the rubber the more it becomes compressed). Thus, as should be clear when the spring applies greater force on the bushing (element 21) during travel of the vehicle (i.e. the wheel strikes a bump in the road) the stiffness will vary. To the extent that the term "significantly varies" may be broadly and reasonably construed this would also be a significant variation in stiffness. A second reason that the rubber bushing (Element 21) presents a significant variation in stiffness is the fact that the spaces formed by the alveoli (Elements 27 and 28) and ribs (Elements 29, 30, 31), present a different stiffness when contrasted to the portions of the rubber bushing that directly contact plate (Element 14, 15), based on the presence of the spaces of the above gap portion. Accordingly, for the above reasons it is respectfully submitted that all of the limitations of the independent claim are met by Boschi.

With respect to claim 12 although applicant states his argument as to claim 11 (it is assumed that applicant really is referring to claim 12 based on fact that an "annular recess" is never discussed in claim 11)) an annular groove is disclosed by the space shown between the walls of the rubber bushing (Element 21) wherein the spring (Element 19) is located forms said grooves, (please particularly see Figure 3), wherein

the groove is shown as the groove formed between flanks (elements 23 and 24).

Accordingly, this limitation is also met.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH ROCCA whose telephone number is (571)272-5191. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

/Joseph Rocca/  
Examiner, Art Unit 3616